

NEWINGTON TOWN PLAN AND ZONING COMMISSION

September 10, 2008

Regular Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Fox
Chairman Hall
Commissioner Kornichuk
Commissioner Pane
Commissioner Schatz
Commissioner Camerota
Commissioner Ganley

Commissioners Absent

Commissioner Pruett
Commissioner Niro

Staff Present

Ed Meehan, Town Planner

Commissioner Camerota was seated for Commissioner Pruett and Commissioner Ganley was seated for Commissioner Russ Correll.

II. PUBLIC HEARINGS

- A. **PETITION 39-08** – 2414 Berlin Turnpike, Greek Village, LLC, dba Cavo's Tavern & Pizzeria, attention Malgorzata Karas-Golka, 37 Johnson Street, Newington, CT 06111, J.C.J. Associates, LLC owner request for Special Exception Amendment **Section 3.15.3** to convert outside dining area to enclosed year round restaurant use, B-BT Zone District. Continued from August 27, 2008.

Chairman Hall: If the petitioner is here, would you come before us, state your name and address for the record.

Malgorzata Karas-Golka, 37 Johnson Street, Newington: We just kept this open from last time because we had no sign outside. The sign was put up the same night, two weeks ago, and it's been up for two weeks now.

Chairman Hall: Everybody was here, no, not everybody was here last time, you want to just give a little brief presentation so that everybody knows.

Malgorzata Karas-Golka: Right now we have an outdoor patio for about fifteen to twenty people, sitting outside. We would like to enclose it so that it is an all year round dining area. Right now the restaurant has only about twenty seats inside, so it's small and so enclosing that area, the

patio will give us additional seating for the winter months, obviously. So basically that is what we have petitioned for, to allow us to enclose that to make it a year round dining area.

Chairman Hall: Thank you. Ed, any comments?

Ed Meehan: No, I think we covered everything at the last meeting. The area is only about 24 by 14 so we are looking at about 336 square feet to convert. We have been observing the parking, and the applicant brought in pictures of the parking at peak hours, particularly dinner hours and lunch time, and there is no evidence that this cannot be accommodated so, and the other tenants in that plaza pretty much close by the time that the dinner hour starts, so I believe that parking would be adequate at this location.

Chairman Hall: Do the Commissioners have any questions? I know we did discuss this the last time and we did ask some questions, but anybody who wasn't here, if you need any clarification?

Commissioner Kornichuk: No, I read everything.

Chairman Hall: Okay, I think that's it. Thank you again for coming back, and we're sorry about the sign, but, we did also see that for two weeks.

Malgorzata Karas-Golka: Thank you so much, and don't feel bad about the mispronunciation, everybody does it. Thank you so much.

Chairman Hall: Thank you. Anyone from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against the petition? Anyone wishing to speak? Seeing none, and if there are no more questions from the Commissioners, I think we can close this at this time.

B. PETITION 41-08 – 171 Pascone Place, Newington Knights applicant, McBride Properties, 3153 Berlin Turnpike owner, contact Lou Riccelli, 4 Grandview Drive, Newington, CT 06111 request for Special Permit Section 6.6 liquor permit, PD Zone District.

Commissioner Kornichuk recused himself from Petition 41-08.

Chairman Hall: If the petitioner is present, if you would like to come forward, state your name and address for the record.

Michael Barry: I represent Newington Knights, the applicant for the special permit to sell alcohol beverages. I believe that they meet the requirements of 6.6 of the regulations. They are not within a five hundred foot radius of a college, school, church, or hospital. Also, I don't believe that any alcoholic beverages are sold or that any class of permit is within the five hundred feet distance which the regulations require. I believe the closest place that sells would be either Fridays or Chili's on the Berlin Turnpike. The Knights are seeking to establish a new home, they were on North Mountain Road and that was a much larger facility. It had a banquet hall with it, they decided that they wanted to get out of the banquet hall business and a couple of years ago they sold it to another party and they have been searching really for the last couple of years for a new place to relocate. They would occupy approximately 2,000 square feet of the building. It's a 5,000 square foot rectangular building. What they would do, is that there would be one main room which I believe you should have a plan in the file, which would be an open area, bar area and would be approximately 550 square feet and there would be a twenty-six foot bar. It would be a full liquor license, beer, wine and other alcoholic beverages. The only other public area

would be a 462 square foot meeting area, which I believe is also shown on the plans, so it would be a total of 1112 square feet. It would be in the rear of the building where most of the parking would be. Their intention is not to rent it, if there are parties, you can see from it's size, certainly wouldn't have any interest in that for weddings and things of that nature. It would be primarily for members. They do have meetings, three Thursdays a month. Mr. Louis Riccelli is here, I think he can tell you more about what happens at those meetings. Typically, a typical day, they would like to be open at three o'clock in the afternoon, until closing. We're not sure yet if they would want to be open on the weekends. They would be sharing a space with Magson Uniform, who is in the front. My understanding is, I think it will be dealt with later, is that they will occupy 3,000 square feet. What they do, they have a showroom where they keep uniforms where members of the public could come in and look at them and pick them out. My understanding is that there are four employees that are there. I think that if you take the general character of the neighborhood, I think this would have very minimal impact on it. The former location, I think on a typical night when there were no meetings scheduled would be I think about fifteen to twenty people, and they are hoping pretty much for the same.

Chairman Hall: Questions from the Commissioners, well, Ed, we'll start with you first.

Ed Meehan: The staff report is at the Commission's place at the table, I do concur with the observation that there are no other non-profit alcohol beverage serving clubs within the five hundred foot radius, that is in my staff report, and the separation for schools, colleges, hospitals and church is also met. There is also a sketch plan that Mr. Riccelli put together, so the last time this was before you, the presenter was able to give a little more detail on possible uses, could you elaborate on that, I think that would be helpful for the Commission.

Louis Riccelli: Yes, I can do that. I am the past Grand Knight and a Fourth Degree member and presently the president of the corporation of Newington Knights. As Mike was alluding to, or stating, our operation is really kind of small. Our membership is very small now as far as participating members. We conduct three meetings a month, and as Mike as said, usually on the first Thursday of the month, or on Wednesday of the month. Right now we are doing Wednesdays because we are at the Polish Club for almost the past two years now, since we closed our other facility. The meetings are, the first one is a corporation meeting and that consists of around fifteen members, that's how many people there are on our board, and that is a closed meeting. The second meeting is the Council meeting and that is generally around twenty members, and then on the fourth Thursday of the month is our Fourth Degree Team and that consists of generally fifteen people or less. The other use of the building would be just for socializing for our members. If members want to use it, they can. We are going to have a permittee, Mike mentioned a liquor license, so we are going to have a permittee who is going to be pretty much in charge of the operation and whatever the guidelines or the requirements of the Town that have to be abided by, he will make sure that they are enforced.

As Mike as said, the other facility, that many of you may recall was a very large facility, it was 14,000 square feet, and for over fifty years we had many types of events there, dances, open houses, ceremonies, you name it. Our events are now much more reduced. We do have occasional induction of new members coming in, maybe two or three new members coming in, so we have an initiation for them, a formal initiation. Again, the amount of attendance is relatively small as compared to the type of events that we had many, many years ago. So since closing the building, we have been in that search, and tried to find something. Pascone Place, Pane Road was one of them originally, there was question that came up with the owner, and we decided that rather than pursue it, even though the Commission had given us approval of it, that it would be in the best interest for both parties to dissolve the contract and we both agreed amicably with that.

This one is similar, and affords us even more opportunities I think because of the area that it is in, and we are looking forward hopefully to the Commission granting approval to us because we

think our members, with the present size, that the facility is more than ample for everything that we want and are asking from the Commission. If there are any questions, I will be glad to try to answer them.

Chairman Hall: Ed, is that it for.....

Ed Meehan: The liquor special permit is, stands by itself because of its public hearing nature and I think that information is good to have in the record, about the uses and the impact of the uses on the site would be what the Commission needs to know.

Chairman Hall: Any questions from the members? I have a couple on parking. Did we have a sketch that will show the parking for the building? You said that Magson has four employees, and are they open every day?

Louis Riccelli: I believe that they are, Monday through Friday.

Chairman Hall: Monday through Friday and four employees, and then maybe customers come in, to pick things out, it's not a retail.....

Louis Riccelli: Yeah, before I retired I was with Connecticut Natural Gas Corporation, and we used to use Magson as our uniform supplier and generally how it works with most of the companies, a company comes in, a representative comes in, maybe one or two and they pick out uniforms and they usually have a showroom there of various types of uniforms for utility workers, for police, for municipal workers, right down the line, and you pick out a selection of what you want, you order what you think you need, and give them some sizes. They usually go out to the buildings, Magson used to come over to the gas company, and measure all of our personnel and then they would take those orders and have the uniforms made, they are not made at their facility, they are made elsewhere, and then the uniforms come in and are delivered, either warehoused there for a short time, and then brought out to the utilities or municipal building, and they do some repair work occasionally. That is how it has always worked, and that is how it was when it was out in New Britain at a much larger facility at that time.

Chairman Hall: So, with regard to the parking, we have a sketch that shows.....

Ed Meehan: The petition under New Business will show the parking layout, the count, and the uses within the building, and the directional controls, drainage, lighting is all on the site plan.

Chairman Hall: All right. Right now you say you have fifteen members, is that fifteen Knights, or fifteen.....

Louis Riccelli: That's board members, corporation board. Participating members in our Council meetings, which are the regular monthly meetings, are about twenty, Fourth Degree is a different order, same people pretty much.

Chairman Hall: Right. So how many Knights are there, approximately, about twenty, twenty-five tops?

Louis Riccelli: Active, yes. That's our general group.

Chairman Hall: Anybody else have questions?

Commissioner Camerota: Through the Chair, you said that you would be opening at three, until closing, what is closing typically?

Louis Riccelli: That's a good question. It's really going to be based on our members coming down, how long they want to socialize for in the evening. Past experience, at our other place on North Mountain Road was that I could generally say that in the evening, ten, ten-thirty, eleven o'clock at night would be it. However, there were occasions when they would be open later. It depends on what the activity was, if they are watching a football game, or something it could be after the football game, it could be open until the football game is over. Generally I think, what is state law, one o'clock.....

Michael Berry: It's one o'clock weekdays, but for practical purposes most of the members are not the kind of people who stay out until one in the morning on weekdays.

Louis Riccelli: No, they are kind of an older group, you know, but generally in the evening, it's going to be up to the permittee, he'll be behind the bar and he can make that kind of decision. He can keep it open as long as he wants, not to exceed the guidelines of the State, but I'm saying based on my practical experiences and being there, it's generally earlier in the evening.

Chairman Hall: And how many days of the week, I know that you talked about Thursdays for the meetings, but it would be open.....

Louis Riccelli: Monday through Friday.

Chairman Hall: Just Monday through Friday, or weekends if you had a special event?

Louis Riccelli: Weekends, the permittee, if somebody wants to use the facility for something, we don't know what it could be for just yet, they would have to get permission from the permittee to come into the facility and he would make the determination of what the event is for, how many members can come in at that time, based on occupancy and a lot of other things. We, right now this is brand new, we really don't know what to expect from our members, how much use they want to have for it, but it could be, for example, if one of our members passed away, and the family wants to come back to our home, we would do that. We would facilitate that. Maybe if somebody wanted to have a birthday party for their wife, or their husband, or something like that, members, I'm talking only members, we could probably accommodate that too, but on a very small scale. This is not the Knights of Columbus of old with a large facility that we had before.

Chairman Hall: Any further questions? Okay, seeing none, now again, unfortunately, there was no sign posted and that is part of our regulations, so we are unfortunately going to have to have you put the sign up, just as we did for the last petitioner. All right if there are any other questions, thank you. If there is anyone from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against the petition? Anyone wishing to speak? Seeing none, again, we will keep it open because there was no sign posted, and we need to do that.

Michael Barry: Thank you.

Chairman Hall: Thank you.

Commissioner Kornichuk returned to the table.

C. PETITION 42-08 – Newington Town Plan and Zoning Commission applicant, proposed Zone Regulation amendments to add Section 4.4.8 Administrative Approval for Handicapped Access to Single Family and Duplex Residential Ramps; and Section 7.4.19 (D) Fencing height standard for corner lots and safe corner sight line visibility.

Chairman Hall: Ed?

Ed Meehan: The Commission members have on the table in front of them, it's supposed to say Draft, but Draft didn't come out, it's two proposed amendments to the zoning regulations that we have discussed at past meetings. I'll quickly summarize the first one to Section 4. We are proposing, Section 4.4.8 and the purpose of this amendment would be to provide some flexibility for the household that needs to provide an accessible ramp for a family member and because of the smaller lot, or the configuration of the lot, and the difficulty of meeting the ADA code for access grade, they normally would have to get a variance and get a petition before ZBA for a side yard or a front yard variance. It doesn't happen very much but when it does happen, what we see is some difficulty for the household. Sometimes it's somebody coming back home from the hospital or the convalescent facility and until they have the ramp available, it's difficult for them to have a family member get in and out safely. So we looked at some other towns, and what we are proposing here for the Commission's consideration is an option where the Zoning Enforcement Officer can issue a temporary permit with these four or five qualifications versus the certification from the physician that it is indeed a handicapped situation. We want to know how it is going to be laid out in front, or the side yard, and then it cannot be located obviously in the state or town right of way, can't be within fifteen feet of the front yard, or five feet of the side yard, and this is just of a temporary nature where the ramp can be withdrawn after a year, if necessary or it could be discontinued sooner or removed completely if the household doesn't need it any more. What this would help is that it could be done quicker, and the household, family member could go, sometimes they construct these, wooden built in front, and now there are several companies that lease these, and we have seen some of those come in to Newington, that they can put them up in an afternoon, and this is just a way to avoid sometimes a month, sometimes depending on the cycle with ZBA sometimes it could be a month and a half wait to get this ramp in. That's generally the purpose of this amendment.

The second proposed amendment is one that we are recommending to clarify fencing in the front yards of homes on corner lots. This comes up quite frequently. You have two front yards on a corner lot, and the regulations now say that you can't have any fences higher than four feet in the front yard. In some cases, it doesn't really make sense because the house normally faces only one way and so the layout of the house is the side yard, a four foot fence sometimes doesn't give the household the privacy that they want and it's not really necessary from a safety point of view that you have only a four foot fence on that side of the house. What we are suggesting here is that you keep your four feet across the front, that's usually the side of the house that it faces on, and then from the back corner of the front, I'll call it the front side yard, you could step it up to six feet and run that to the full length of your backyard. The other phrase in here is, we want to keep this in here as far as corner visibility, that no sight lines be compromised on the corner. If you go around town now you see all different variations of fence heights, fences do not require zoning permits, or building permits, so there is really no way to catch them sometimes, catch them is not the right word, but sometimes you find out that they put a six foot fence up in the front yard now, that was their choice, or they have not taken into account the corner visibility, or in some cases they have actually encroached onto town property. So this is a way hopefully to make a little bit more appealing for people to put a fence up, they can do the six foot fence along the side, but they can't bring it across the front. That's really the purpose of this. I'd be happy to answer any questions.

Chairman Hall: I have one question. Let's say the house faces this street, and they want to put the fence on this side street. Here's your corner, and your house sits here. Does this also allow for the six foot from the corner of the house to that boundary as well as six feet back or would they have to keep this four feet.

Ed Meehan: They would have to keep the four feet across the front, and then from the back corner of the house they could start their six foot.

Chairman Hall: But I'm saying, this is the back corner of the house, and then they want to go from the back corner out to the line that is going to go back.

Ed Meehan: Yeah, they could do that.

Chairman Hall: So that could also be six.

Ed Meehan: Yeah, they could do an "L" there and go down the property line.

Chairman Hall: So that whole section could be six if they want.

Ed Meehan: As long as it's from the back corner, and if for some reason they want to completely enclose their yard in a fence, if they really wanted to fence from that point around the front, that would have to be four feet.

Chairman Hall: Right. Any other questions on either of these?

Commissioner Ganley: I've got one on the ramp, if I read this thing correctly, in theory a person could sell his house, he has a handicapped ramp and he just renewed his permit, and the house is up for sale, but he has to renew his permit, so he does, and a year and a week later he sells it, in theory, the ramp could stay there for fifty-one weeks.

Ed Meehan: If the new buyer was handicapped and wanted to keep it there, yes.

Commissioner Ganley: Yeah, but in theory it could stay, if he doesn't want to do anything, doesn't want to undergo the expense, it could stay here for another fifty-one weeks before the permit runs out. It would seem that it might be easier, and I don't know how to do this, I was thinking about this, but I can't figure out a way to do this, is to flag in the clerk's office that piece of property with the permit in there for the handicapped ramp, then when the house is sold, the person in the clerk's office notifies the, one of the building inspectors, who says okay, the house is sold, and this is the day, thirty days from that day you have to get it removed.

Chairman Hall: But what if they can use it?

Commissioner Ganley: But I'm saying, if he doesn't want to remove it. If they can use it, then that is not a problem, but if it's not a handicapped person, the guy doesn't want to undergo the expense of taking the ramp off, so you've got this ramp in the house, for fifty-one weeks, for no apparent reason.

Chairman Hall: It's possible, but do you truly think that somebody wants a ramp if they don't need it?

Commissioner Ganley: I have no idea, I have no idea, I'm just trying to give the building inspector a little leeway in determining the value of the ramp, and make it apparent that you want the ramp removed. That's the whole idea, not to leave the ramp there indefinitely.

Ed Meehan: Yeah, the only option is, and this again, is, you never know who occupies a house and zoning, the principle of zoning and we have talked about this for other types of situations, you are supposed to regulate the use, not the user. If for some reason it was determined that the occupant of the house or family member didn't have a physician's letter, with a legitimate disability that requires a ramp, maybe the zoning enforcement officer could exercise that thirty day notice, but the chance of a town official knowing that much about the household, is probably slim to none, unless a neighbor reported it or there was some issue with it.

Commissioner Ganley: Well, this would be a matter of inspection, it would be flagged in the clerk's office, inspector is notified, goes out and knocks on the door and says I understand you are the new owner, yep, do you need this ramp? Well, yeah, Uncle Henry, is...okay that's fine....do you need this ramp....well no, I don't need the ramp it came with the house, well, okay, you have thirty days to get rid of it. If it's too cumbersome, forget about it, it's just something that was floating through my head.

Ed Meehan: It could be kind of tough to administer.

Commissioner Ganley: Okay, disregard the last few comments.

Commissioner Fox: Thank you, on B, Ed, "said access shall be of a configuration and size that minimizes the reduction of either front or side setback requirements", I think I get the idea that it should minimize the amount that it encroaches, but it sounds a little....

Ed Meehan: The wording is kind of awkward?

Commissioner Fox: Well, it kind of confused me at first.

Ed Meehan: Okay, maybe we could say, that minimizes either front or side yard encroachments.

Commissioner Fox: Setback encroachments, that might be better.

Ed Meehan: The phrasing I think is smoother. It doesn't change the substance of it, but just reads better, I agree with you.

Chairman Hall: I think this is a good thing because again, I don't believe that anybody has a ramp in their house unless they absolutely need it. It certainly is not something that you add as ornamentation to your home, and especially for people wanting to come back from a nursing home, or rehabilitation or whatever, if they are put out sixty days because they have to go through a process to get the ramp, then this certainly will help expedite that which I think is important.

Ed Meehan: It doesn't happen, you know, maybe once or twice a year if that often.

Chairman Hall: But when it does happen it's important to those people so I think if we can help expedite that process that would be a good thing. Anybody else see any problems with this, any questions? Okay, I don't think we have to do anything else with this?

Ed Meehan: Public.

Chairman Hall: Right, but I mean as far as the Commission is concerned.

Ed Meehan: No.

Chairman Hall: Anybody wishing to speak in favor of this petition? Anyone wishing to speak against it? Anyone wishing to speak? Seeing none, we will close Petition 42-08.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. MINUTES

August 27, 2008 – Regular Meeting

Commissioner Fox moved to accept the minutes of the August 27, 2008 regular meeting. The motion was seconded by Commissioner Schatz. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: We have a couple of legal items that I would like to bring up at the tail end of the meeting so that the Commission can take more time talking about them, some handouts from Attorney Ancona.

Also would announce on behalf of the Town Manager the Building Official's position has been filled by Douglas Jordan, who was appointed by the Town Manager. Mr. Jordan is presently working in Tolland, he's worked in the towns of South Windsor and Windsor as deputy building official and he has about twelve years of experience. He's run the gamut of all types of projects from decks and pools right up through commercial projects and we are looking forward to having him come on board. He went through a vetting interview process with in-house staff and all his references checked out. He's very eager to come to Newington, he's going to start on September 22nd, and we think he will fit in well with the town.

Commissioner Ganley: Will there be a chance for him to come to one of our meeting just to say hello?

Ed Meehan: I'm sure we can arrange that.

Commissioner Ganley: That would be great. Good for him too, I think.

VI. NEW BUSINESS

A. PETITION 40-08 – 171 Pascone Place, Paul McBride, 24 Beacon Street, Newington, CT 06111 applicant, McBride Properties, Inc., 3153 Berlin Turnpike owner, represented by Alan Nafis, P.E. Weston & Sampson, 273 Dividend Road, Rocky Hill, CT 06067 request for Site Plan approval Section 5.3 PD Zone District.

Alan Nafis: Good evening Madam Chairman, Members of the Commission, my name is Alan Nafis, I work for Weston & Sampson, Engineers. I'm here representing the owner of the property, McBride Properties, and we're here to propose a site plan at 171 Pascone Place. You've heard a little bit about that earlier during the public hearing, you were talking about the special permit for the alcohol. This is the site we are talking about. I'm going to go over a little bit, hopefully answer some of the questions that might have come up when you were talking about that. This is the site here, it's the same as your plan. The top one is the layout plan, I didn't want to confuse you by giving you a different plan here, so this is the one that I am going to be talking about the most. This is 171 Pascone Place. Right across the street here is the ConnDot building, the parking lot, we have the day care center on this side, a glass store on this side, more industrial land behind it. North is to the top of the drawing, and as you go around this way, you head up to the Berlin Turnpike, TGIFridays, so you know where we are. We are in a PD Zone. I believe our site meets all the requirements of the PD Zone, except we do not have one acre. We have slightly more than a half an acre on this lot. It is a lot of record however, and so therefore we don't have to require a waiver or anything. We do meet all the side yard, front yard requirements, we meet the frontage requirement, we have a hundred feet of frontage, the required is seventy.

The other thing that we had a little discussion about earlier is the traffic count. We're proposing thirty parking spaces and they are located, parallel parking along the side, some straight in parking behind, and two spots in the front for parallel parking which I will go over the access and orientation in a little while. Again, as you are probably well aware, this is a tight site, and we are kind of squeezing things in here a little bit, we did manage to get thirty parking spaces here and that was kind of the goal that we were looking for. We know we have the four employees at Magson's up front and there will be some in and out there, but generally speaking their operation will be at a different time than the Knights of Columbus who are using the back area here. As you heard from them, they are anticipating fifteen, twenty, maybe a maximum of twenty-five people coming in, so I believe we have enough spaces here to accommodate both of those uses, either together or in most cases, they will not be open at the same time.

As was mentioned before Magson is essentially a uniform, I don't know if you call them a distributor or what have you, it's not a high volume area. As Lou mentioned, people come in and out, check out the uniforms, and there are some deliveries out of there, but it's not a manufacturing so we don't anticipate a whole lot of traffic coming in here, and the 2,000 square feet in the back will belong to the Knights of Columbus for their meetings.

Let me get into the site plan a little bit here. The existing site plan, currently there is a pavement driveway to the back area here with about half of what you are seeing right here existing parking area, and most of this is all pavement on this side. On this side the pavement comes up to about here and then it is pretty much over grown, there are some slabs, some concrete slabs and different things over on the side here. What we are proposing is to provide the five foot grass area, minimum five foot, we actually have a little more than that in the back, minimum five foot grass area along either side of the property, which leaves us room for a twelve foot lane here, a ten foot parking area, and a twelve foot lane here towards the back. The intention of this is to make it all one way, circular around the building, in on the north driveway, around the building, out on the south driveway, or we have two parking places on the front that you can come in and pull out on. Our two handicapped parking places are located right by the north entrances there. Again, it's not a lot of room, but we did have to make some concessions in terms of the width of these driveways because of the equipment and things that are on the side of the building, and I will show them a little bit later, but this provides us with ample green space around the building to protect the utilities and other things that are located there, such as there are a couple of doors that have been put in there recently.

The drainage, right now the drainage goes, we're not quite sure, a lot of it just sits back here and goes into the ground. The front area here goes out to the front, same thing on this side and the building, right now comes down, downspouts and generally most of the building goes right out to the front of the street, a lot of it sits in the driveway because it is very flat out there. Right now the water in back pretty much sits there until it drains in, some of it drains off to the other property.

What we have done to control that drainage, because we will be increasing the flows here coming off of this site by adding in pavement, about thirty-four, thirty-five feet of pavement in the back, a little more than that. We will be picking up the downspouts from the building and putting all that underground. The drainage on this side of the building will continue to go out front, the drainage on this side of the building, from about here will continue to go out front. Again, most of that water is going in now, we are reducing the amount of water going out front because all of the roof drains are now coming here, rather than going out front, so the net result of what we are planning for the drainage off the front is that there will be less water going off onto Pascone Place than is going there now. It will simply be basically the driveways going in. So all that other water is going to come back into here and we are building a low area with a catch basin here to pick it all up and put it into infiltration units under the ground, and basically we designed that to pretty much store all the water from a twenty-five year storm. There is good soil out there, we did percolation tests, I passed that information along to Tony Ferraro, they have good soil, we do anticipate some good infiltration, but we are being a little conservative in making sure that if the volume from a twenty-five year storm comes down, it's pretty much going to be contained in these boxes here. There's not a lot of water, don't get me wrong, we're only talking about a relatively

small area coming down here, but we are controlling it. Now there is always the possibility that something gets clogged up, we have a two hundred year storm come through, or something happens and what we have provided for the overflow is since this is pretty low compared to any drainage that might be out and around, we haven't found anything back here yet, is that we have taken the curb out of this piece here, put it in an elevation roughly four tenths, roughly six to seven tenths higher than our grade is going to be, yet still over half a foot below what the entranceway is here. So that, if this should fill up, for whatever reason there is a problem, pipe gets clogged, it's an enormous storm, that water would flow over this way and then work its way down to where a lot of this water is going now. A lot of the water from the back grassed area is flowing off onto the neighbor's property, so we won't be directing any flow there, positively, but if a large event comes or something happens, we do have an outlet for that water, so it won't get into the building itself.

The other utilities, we have sewer and water coming into the building already, we have gas coming into this side of the building; the overhead power and communication lines have been put underground now. That has already been done, so we are all set with utilities. I do propose a dumpster and again, this was on my revised plan, I hope that you got a copy of that, in this corner and we are proposing a chain link slotted fence that would be the dumpster enclosure, but that would make easy access for the dump truck to come in, pick it up, go back out and around, presuming that he is not there on some night when the Knights have a party or something.

We will have lighting, all the lighting will be off the building. There are currently some lights on the front and the side now but there will be more wall packs we will be putting on the back to project back into the back parking lot and onto this side where the new access driveway is going to be. We're not proposing any stand alone lighting, it will be wall packs on the building.

Signage, we'll have a stop sign coming out of here. We have do not enter signs at this entrance way to keep people from coming in this way; we'll have a do not enter sign on this side of the building to keep anybody coming this way from driving back; we'll have our do not enter signs, actually shown on this, from keeping people from going out the wrong way. So we will have signage around the site to keep people going in the right place.

I do want to mention one thing that I did here that is a little bit different. We do, on this side, we did carry the radius of the exit drive out and around, it's actually pretty close to where it is right now. It's maybe a couple of feet further, closer to the building. On this side, when I was out there I did notice that there is a loading dock over here, and as you watch, you can see some of the tire patterns in the dirt there. It looks like they do tend to come across this area here, so I didn't have a good way of bringing this island out to the actual edge of the road and making some kind of fancy entrance. I think we would cut off their ability to load and it just really cuts back on this driveway here. This is all open right now. This driveway is all open back to about here, so we are cutting off some of that, but we still have the flexibility of getting in and out with his vehicles. Sediment and erosion control, we are proposing some silt fence along this side, most of the water during construction is going to drain back into the area where we are going to have the infiltration, so that will help in itself to keep the sediment on site, and we will have our construction pad on site to keep the vehicles from tracking it off the site itself.

Building elevations, it is an existing building so there is not going to be a whole lot of change, I mean, if you have driven by, you have seen that the front has already been cleaned up some, there are new windows in there, it's looking pretty nice. The only real change that is being proposed on the building at this point is there is an overhead door in the back, and that overhead door is going to come out and two new windows are going in. I did bring along some colored pictures of the site itself and I did also bring, and that just also shows the front area here where the Magson sign is already up above the doorway there, you can see the nice new windows and the front area is all done. This is the southern side here where you can see the new trenching for the underground electricity, and that is one of the reasons that I need that 2.8 feet of green space on that side of the building so we can protect that, the electrical box out here. That will give us enough room to put in bollards in front. All these downspouts will be put down underground and

taken out to the detention basin in the back. The intention is at this point to repaint the other three sides, the other block sides. They are looking at, right now, painting about half of it the color of the brick, as much to hide dirt and whatever happens and then to paint the top half the color it is now, so it will get a new coat of paint. This is the overhead door that will be removed for the two windows going into this location, and this is the north side of the building. As I was saying before, we have this new air conditioning unit on this side, and that is a new egress door. That was put in actually at the time, or right after the time we made our initial submission of this, which is one of the reasons that we wanted to have that grass strip on the north side of the building, so we would have a place, when you come out of the door, we will, it shows green here, but it will be paved up to the door, so they do have a place to come out, a landing, before they actually get into the driveway itself. I think there will be another door, if you look at that site plan that you were given by the Knights, I believe that there is another door that will be coming out for egress on the Knight side, so that each of those two facilities, the front and back will have two means of access. Magson will have a door in the front and a door on the side and the Knights will have a door in the back and a door on the side.

I think the only other thing that I want to mention before I take questions is the, at this point we are not looking at a free standing sign. I don't know if the Knights have the intention to ask for one, if they do, it will be a separate application, or possibly the sign will actually go on the building. There is more available space for a sign up there. At this point we are not looking at any free standing signs. With that, I will be happy to take any questions.

Commissioner Ganley: A question for Ed, about two years ago, didn't we deal with that same building?

Ed Meehan: Yes, for a contractor who was trying to move his business in there. Similar traffic setup but found that with his trailer equipment, he couldn't make the radius.

Commissioner Ganley: Okay, thank you.

Chairman Hall: Other questions? Is the pavement going to be new, because a lot of it is broken up.

Alan Nafis: Yes, most of that pavement is pretty, I mean, they came through here, most of it is broken, and we are doing some re-grading in the front here because we have to lift it up because right now there is a step, and we have to bring it up so the handicapped access will be there, so that will be lifted up, so the front will have to be changed too, but it will all new pavement.

Chairman Hall: And what about snow storage?

Alan Nafis: Well, we have the grass areas around the area, we have this, and we have some area in the back, and they will have to remove it if it is not acceptable to them.

Chairman Hall: Other questions? Ed?

Ed Meehan: On the traffic signage, has there been any consideration given to maybe painting entrance arrows, or exit arrows.

Alan Nafis: We can put that on.

Ed Meehan: It's an expense, but it calls people's attention to that, and maybe an enter sign near that front drive. On the building, or in that little five foot strip because I think people who are members will know after a while, certainly they will know the route, but people visiting or coming here for the first time, it could be confusing, they could get half way down the driveway, you have

got to back yourself out, so I think some pavement arrows would help. Another question, is a five by five dumpster enclosure enough?

Alan Nafis: I thought we had a six by six.

Ed Meehan: Well, is a six by six enough, it's adequate?

Alan Nafis: We think so.

Ed Meehan: Tony Ferraro and I have looked at this over the past month, exchanging e-mails back and forth, with Alan and his client. It represents some of the changes that we have suggested, so they are incorporated into this site plan. I'm satisfied with it.

Commissioner Schatz: The only question that I have is like Tom said before, this is a better application than the other one because the other one was for heavy equipment.

Ed Meehan: This one is, there is more pavement in this, the prior applicant was going to I think have millings in the back.

Commissioner Schatz: Right, and he was going to change the driveways.

Ed Meehan: And his equipment, it would have been a little bit more intense with his equipment as opposed to this.

Commissioner Schatz: And that little green spot on the front, do you have to have that? I mean, I'm just asking?

Alan Nafis: That is there now.

Commissioner Schatz: I know, but is that something that you would like not to see?

Ed Meehan: It's the town right of way.

Commissioner Schatz: Oh, okay.

Ed Meehan: I think you would tend to improve it with some plantings, fix it up, according to the site plan. It could use some tender, loving care. It needs some help.

Commissioner Schatz: It looks like it is cumbersome there.

Chairman Hall: Any other questions? Seeing none....

Alan Nafis: Thank you.

Chairman Hall: Thank you.

B. PETITION 44-08 3567 Berlin Turnpike Sam's/L.A. Fitness "Pad Site", Newington-Berlin Retail, LLC owner, Delta Building Corporation, 269 Main Street, Cromwell, CT 06416, attention Jay Stuart, applicant, request for building elevations approval, 6,500 sq. ft. pad building site plan approved Petition 62-06, 11-20-2006, PD Planned Development District.

Jay Stuart: I'm with Delta Building Corporation, we are representing Newington-Berlin Retail LLC on behalf of Realm Realty out of Houston, Texas. I believe Newington-Berlin Retail owns that whole site there with L.A. Fitness, Sam's Club, all those unit there. We've been hired as the G.C., Delta Building to construct a 6500 square foot retail shell, which has been previously approved on the site. One of the 11 x 17 sheets that I just gave out is a layout, a portion of a layout plan, this one here which is part of the larger approved plan for that whole development. It is a planned development zone, and again, the pad, the 6500 foot pad has been approved previously. I'm here tonight to get the elevations approved so that we can go for a building permit and begin building the shell. Basically the drivet samples that I sent around are what most of this building is going to be made out of, split face block up to three foot and then two different drivet colors above that and then some green metal awnings. This is all store front glass which has a clear anodized finish. The colors here really don't represent the actual colors, I was just trying to show that it is going to be a contrast there. The very dark color is going to be these keystones here and probably the cornice, maybe the (inaudible) colors. The lighter, the lightest color is the block and the inset areas here, the recessed areas are a little bit darker, the middle color is the medium, the rest of the body of the building, so they are all very similar and very subdued in nature.

As far as what the planned use is, the 8 ½ x 11 e-mail I sent around was just a response from the owner this morning. They have been trying to get a client signed up for this store, a retail client, they do not have one as you see there, as yet. It is just going to be strictly retail which is allowed in your planned development and I think goes along with the Berlin Turnpike zone, and the regular business zone, I think which is retail. I think they are thinking either clothing store, Eblen's, something like that, non-food, non-restaurant, non-drive through, pretty much what you see there. Their thinking at this time, trying to have it be only one tenant, but there is, the building is constructed that it is a retail shell, we are not doing any interior petitions at all, we are doing just the shell, HVAC, mechanical, electrical service, all the utilities underground coming in either from Rowley to the south, or from the Toys R Us side. There are two egress doors in the rear, they are going to come out at grade, which means that they are coming out at the parking lot level, and the dumpster pad, the dumpster enclosure shown on the original site plan, the one I have a red X through, we're not going to do that dumpster enclosure. We're just going to do the one on the east side of the building which shows the hatched area above it, so that is the only dumpster enclosure that is going to be on this building, and I've also brought along the other 11 x 17 as one of our typical dumpster enclosures which is a wood slat, galvanized steel post, very simple. It will be the size that is shown on the site plan which I believe is an 8 x 12 or 8 x 10. I think we are going to get away with an 8 x 10 actually. So that is really it, in a nutshell. I can answer any questions you might have that I haven't addressed. I'm here tonight to get the elevations approved by the Commission.

Chairman Hall: Ed, anything to add at this time.

Ed Meehan: No I don't. It's pretty straightforward application. Because there were no known tenants or no elevations available when Realm first got this approved as part of the Sam's project, the requirement was that the developer, Realm Realty come back with their elevations. That is the purpose of tonight's application. As long as it is not a food use, because the parking even when Stickley Audi was there was pretty sight, marginal is a better word, and L.A. Fitness is going to drive that parking a little bit harder, so it should be kept in the retail, personal service use area, no food.

Jay Stuart: No, no food there, they are not looking for any kind of a food establishment what so ever, that's not what they are trying to do. I think they are thinking somewhere along the clothing lines at this point.

Chairman Hall: Any questions from the Commissioners?

Commissioner Pane: Yes, Madam Chairman, I'd like to know whether there is going to be a parapet on this roof to hide any air conditioning equipment, how high that parapet is and whether or not there is going to be anything seen from there?

Jay Stuart: Okay, this is a flat roof, it is a half twelve pitch, and at the very front of the building there's about a eighteen inch parapet and then it gets, it's half twelve to the back of the building, 65 foot building, so I think it ends up being twenty six inches at the back. That would, we haven't decided if it is going to be roof top units or split top units yet. I believe we would probably go with splits on this, which means that the condensing units are on the ground and the air handlers are above the ceiling inside, but that isn't decided yet.

Commissioner Pane: Well, with only a twenty-six inch high parapet that might be your only, otherwise the parapet is going to have to be higher, I would imagine.

Jay Stuart: Okay, the way that this building is situated, as you well know, it's down in a hole. You could have a ten foot high parapet and you are still going to see HVAC units.

Commissioner Pane: Well, I understand, from the highway, but if you were in the parking lot, okay, I'm just talking about in the parking lot, I'm not talking.....

Jay Stuart: Okay, in the parking lot, you are on the ground and a two foot parapet wall, you will not see the HVAC units.

Commissioner Pane: I'm not going to argue with you.

Jay Stuart: I'm just letting you know, I mean, we build these every day, so I'm answering the question. Right now it's eighteen to twenty-six inches at this time.

Commissioner Pane: And my opinion is, I don't think that is high enough for a rooftop unit.

Jay Stuart: Okay.

Chairman Hall: Other questions?

Ed Meehan: If you put your condensers on the ground, where are you going to put them?

Jay Stuart: Well, that's up for discussion obviously, they could be, well originally we were only going to have a seventeen foot space back here that was approved, because of this dumpster pad, so they would probably go along the back of the building and you would have actually more than seventeen feet there because they are only about three feet.

Ed Meehan: So you would put a curb or some bollards?

Jay Stuart: Yes, and that faces that detention basin, and actually I think there is going to be signage here, that is for emergency vehicles only back here. So there isn't traffic going through there all the time which is another good thing.

Ed Meehan: All the customer loading would be through the back door for supplies?

Jay Stuart: Correct, the two, 3070 doors. My gut feeling is, if we design the HVAC for this, I think we are going to go with splits because I think it's a lot better for the use here anyway. Again, you can see the roof, so, it's going to be a rubber roof on top of steel decks, so it's going to be a black

rubber roof, similar to all the other structures that are there now, Toys R Us, L.A. Fitness, they all have those roofs.

Commissioner Pane: Are you going to put signage on the building?

Jay Stuart: The signage on the building will not exceed whatever the town's, I'm not sure what it is in Newington, how many square feet you get on the building.

Ed Meehan: It's two square feet per linear foot on the Berlin Turnpike side, so we would have to look at the length of this building.

Chairman Hall: Any other questions?

Commissioner Schatz: The question is more or less through you to the Town Planner, when this pad was approved, 2006, is there ever a sunset on this, or does this just go on forever?

Ed Meehan: Well they have five years under state statutes to complete the site plan, so if they didn't come back in five years.....

Commissioner Schatz: That's a long time.

Ed Meehan: It could basically be cancelled, but this 6500 square foot was taken into account for the grading of this parking lot, the utility connections, and it was folded into the square footage when they got their State Traffic Commission certificate.

Commissioner Schatz: But at that time, was Sam's Club already in the works?

Ed Meehan: Yes, in fact it was approved as part of the Sam's Club so, when they redid the whole redesign of the retention basin for Sam's Club and for Sam's gas kiosk which is being built now, this was approved then. What was not known, and what was not in the mix back then was L.A. Fitness. That came in about a year, year and a half ago, but everything else is as it was back in 2006.

Commissioner Schatz: Thank you.

Chairman Hall: Everybody comfortable with this?

Jay Stuart: I have a question for Mr. Meehan. You said for signage, just so I'm clear, so I can let the owner know, this is the Berlin Turnpike side, so it's 65 feet on that side.

Ed Meehan: Twice, times two, so 130 square feet.

Commissioner Pane: He just said that what looks like the end of the building, that's facing the Berlin Turnpike?

Jay Stuart: Correct. Just like it shows on here. The Berlin Turnpike is along here, so this faces Stickley, back here is the detention basin from Stew Leonard's, this is north.

Commissioner Pane: Okay. So the awnings are facing.....

Jay Stuart: South.

Chairman Hall: Rowley Street.

Commissioner Pane: Okay.

Jay Stuart: So this is facing Rowley, this is facing Stew Leonards.

Commissioner Pane: All right. Would you want some architectural on the side that is facing the Berlin Turnpike then, you know, some detail there, and, my other question was, two handicapped parking spaces sufficient there Ed, for 6500 square feet of rentable space?

Ed Meehan: That is sufficient for that amount of square footage for that one building. There is a sliding scale. The number of handicapped spaces based on the parking for the use, that's from zero to twenty-five, two spaces, twenty-five it goes up, so for that one use, two would be acceptable, and then on the site plan for L.A. Fitness, of course there are numerous parking spaces for handicapped out in front of that location.

To follow up on the question that Domenic asked, that east wall, is that recessed with drivet and shadow lines?

Jay Stuart: Yes, do you happen to have the full set of plans here, or not?

Ed Meehan: Yes.

Jay Stuart: What you see here, this color, this darker brown is all at the same plane, where you see this black, that is a shadow line showing that that is inset by about, I think it's about a foot because the columns are actually sticking outside of the building, and they are covered by drivet. This is a steel structure, so those are recessed areas there, so you do have some kind of architectural look. I guess there is an option of putting three awnings along that side, no windows, but at least you would have some kind of look to it.

Ed Meehan: It might be something to think of because, just from a marketing point of view there is a lot of traffic that is going to come out that driveway from Stew Leonard's and Toys R Us, and they won't know what is in this building until they start heading out to Rowley Street, so if they had some idea as they headed out to Rowley Street, through awnings, or other signage, you'll get them over there. I also would think that your dumpster should probably be made out of split face block and drivet to mirror the side of the building rather than just having a wood dumpster. A wing wall dumpster would be more attractive on that side. Suggest that.

Chairman Hall: Anybody else? Okay, I think that's it. Thank you.

Jay Stuart: Thank you.

C. PETITION 45-08 – 403 Alumni Road, The Hampshire Companies, represented by Alan Nafis, P.E. Weston & Sampson Engineers, Inc., request for site plan modification to construct truck loading docks (6) along east side of former Torrington Company building and reduce parking space count, I Industrial District.

Joe Perriginni: Good evening Members of the Commission. My name is Joe Perriginni, I'm a professional engineer with Weston & Sampson. Also with me tonight is Dean Conrad, representing the owners of the Newington Business Park building. Some of you may know the building as the old Torrington Company building. This is an overall plan, just to orient you. This is the Newington Business Park building, Willard Avenue to the east, Alumni Road to the south. What we are proposing is a site plan modification to the east side of the building in the central area, we are proposing several loading docks. This is driven by the tenant requirement for several of these loading docks. Right now the current tenant, ICS is occupying the space overly

across, so they have requested two loading overhead doors with a loading dock and one drive in door where a truck would drive right into the building. A future tenant would be General Nutrition and we are providing seven overhead doors with loading docks and one drive in door, and then we are proposing two overhead doors with a loading dock well for this vacant area. I'm going to go to the site plan. This is a forty scale plan that was submitted. This is the existing building in brown and for this plan we looked at the truck circulation for the property. Trucks would come off of Alumni Road, take a right into the existing driveway, they would enter this entrance here, and we had to reconstruct the curbing here for a design vehicle, a fifty foot WV-50 tractor trailer, pretty standard. So we had to cut the curbing a bit, to allow trucks to pull in, they would then need to pull forward and then back in to each loading dock. Because of the amount of loading docks, we looked at all of the movements throughout and so, on our plan, we have indicated with a hatching what parking spaces would be eliminated to allow these truck movements. We are eliminating all these parking spaces along the central area here and then there is some obviously along the building that are going to get wiped out from the dock wells. Where we could save spaces, we are just re-striping to a standard size parking space where we could. Also what would be eliminated by the truck movements are three green space islands. In order to meet the required green space of the regulations we are replacing those with the areas here and here. There is, within those islands there is site lighting that will also have to be relocated. They will not be removed because we want to maintain the existing illumination, so they will just be readjusted. Along the building where there are overhead doors and loading docks we have designed a concrete platform to come off of the building. This would be a four foot wide platform, and then drop down with a concrete retaining wall. That has been designed by a structural engineer. The reason that we have done that is to avoid exposing the existing foundation wall, so we are coming out with this platform, retaining wall and not affecting the existing foundation wall. At the bottom of the ramp, the bituminous ramp of the dock well we will have trench drains that will all connect and then come across and tie into an existing storm water system. We are not adding any impervious area to this so we know that the system will take the runoff from the dock wells. Also submitted with this application is an architectural elevation plan, in your package it would be Sheet A-100 and this just gives you a good view of the entire east side of the building from I would say Willard Avenue and you can see where these are located. There are two proposed drive-in doors which are 14 x 16, 14 foot high, excuse me, 14 foot wide by 16 feet high and then the overhead doors which where we have located our dock wells. Of particular notice on this plan is along the dock wells, the architect has called for a canopy which will hang out five and a half feet from of the building and then will be secured by a cable to the face of the building. That will extend just a little further than the dock well. Also on here we are showing the breakdown of the individual tenants with Shuco, the current tenant, along the front, ICS, General Nutrition, this unused available space and Huttig here. Within the application package I, we also submitted an 11 x 17 plan and this was after discussing the parking with Ed Meehan. We provided a plan, or a breakdown which we call a parking assignment and this would be the amount of spaces that are left for each tenant along that side of the building. I'm sorry if you can't read it. We are showing 63 spaces for Shuco,.....

Ed Meehan: The Commission members all have that in the pile of papers that I put out for them, someplace.

Joe Perriginni: I'll point it out on here, we have 63 spaces for Shuco, 7 spaces for ICS, most of ICS's spaces are on the west side of the building, General Nutrition we have 10 spaces, 18 at this end for Huttig, and Huttig has most of their parking on the north side, and then what is left over is about 63 spaces and we discussed that, and it was decided that the 63 spaces, would be left over for the vacant tenant and that would be sufficient for a typical warehouse use. Also, in talking with the owner, they would write up their lease to make the new tenant aware of how many spaces he has, they have assigned to them.

I know that there were some comments about screening, maybe I'll let Ed go through his comments and then I could, I did get some information from the field regarding that.

Ed Meehan: Okay, I alerted the project engineer to concerns about possible screening issues. Background, as the Commission members remember prior to Fountain Pointe being constructed the prior owners when they developed the site of the former Torrington Company and Huttig moved in, and the Corps of Engineers, they built well over 200 parking spaces and they provided berm screening along the easterly edge of their property. It spilled over onto Fountain Pointe's property, and that berm screening, I would say about eighty-five percent of it has been removed to provide for grading and level areas for Fountain Pointe. The part that remains is the miscellaneous section north end, which will probably stay as it is now, that is the area where the adult day care was recently approved. So in talking to Mr. Perriginni, I said one of the issues here historically has been screening, and that was because you had apartments and residential uses across the street on Willard Avenue where now you have Fountain Pointe. Even driving around Fountain Pointe or I suppose if you really wanted to look back in here, you could see through the various buildings back to the Torrington Company, and I went over again today after I met with the Chairman, and left you a voice-mail or an e-mail, I forget what I did, but I suggested some pictures because I think there is room out there for some additional screening in the existing island that runs up parallel to the driveway that serves Huttig. There is a pretty good stretch of evergreens, that are mature now and starting to grow and those could be supplemented and also, the thought occurred to me this afternoon, is maybe instead of supplementing the two green spaces within the interior, that you are proposing that you take and put those, that green space out front and use that as a larger planting area to get more bang for your buck so to speak. You are removing six clumps of white birches which are probably twenty feet high, that do provide some screening and some of that could be moved out to that travel way, I don't know what the utility restrictions are underground, but you know, taking that into account I think that within five years or so with some evergreen plantings and some deciduous trees you would get some of that screening back. This is an industrial zone. If the Huttig drive was a public street you wouldn't be able to do loading docks facing a public street, but this is a private driveway and the public street is not until you get to Willard Avenue, so that is the background. That was my concern looking at this, is that, and the other issue, I think you may have answered that, this is not going to turn into a freight terminal in the sense that you have got tenants that are using this. A freight terminal in my mind is like you know, Yellow Truck express, someone who is doing a lot of in and out with their vehicles. Will there be vehicles parked here on a long term basis, that's one of the questions I think I asked you, and would you consider adding supplemental screening is the other question.

Joe Perriginni: Just so that I understand, you suggested adding rather than replant the islands I guess further north into the property, add them to the front of the property, along Alumni Road?

Ed Meehan: Yeah, rather than creating this island that looks like it would consume eight parking spaces, it sort of floats in the middle, leave those parking spaces and take an equal amount of that area and add it to the island out front. No, not there, out front, right in that area there. Switch the eight spaces, that means the parking would be closer to the building and the wider planting area would be out further where it may provide better screening. It would be out of the way of all your snow plowing equipment, it would be out of the way of everything else that is going to go on there, and I think you would have a more suitable planting area. That's one suggestion, and the second suggestion would be to see, based on your underground utility services where you could spot some additional plantings. Maybe you can do that, and looking back at Fountain Pointe where the gaps are. There's not too many gaps on Fountain Pointe, it's pretty well built out. The backside of Fountain Pointe doesn't have any windows, it's basically the utility side where they have the electric boxes and the meters and so on. That's just my two cents worth I guess.

Joe Perriginni: Okay. I spoke with my client, and Ed is right, this is the existing green space area, in here and the survey didn't go as far to pick up all those trees, but there are several evergreens that are kind of staggered through that area, so if we can fill in those areas with trees on site, if we can move what is there, reuse them, if not, then we can fill in the gaps.

Ed Meehan: That's my suggestion.

Joe Perriginni: Yes, I have no problem with filling in this green space area, beefing it up. He's right, there are utilities that come through there, so we'd need to avoid those. In addition to the screening, and we don't know when this is going to happen, but there is an approved plan for, right now we can see right through, and this would be the adult day care development so really after that there is only a driveway here and a driveway there, but again I spoke with the client and he doesn't have an issue with filling in those areas and adding the screening. As far as the trucks, you really, I guess don't know at this time if there is going to be any long term parking of trailers.

Dean Conrad, Hampshire Company: No, I don't think so because ICS is a distribution, instead of light manufacturing, we have Shuco in the building, which is a distribution mostly, with some storage, we have Harris which is also distribution and a retail contractor supply and then we have Huttig which is again a residential product type distribution, light manufacturing, they deal with sash and doors. Most of the spaces are classified as storage, storage S-2 with maybe some F-1 and F-2 type factory work. So I don't think our intent as the owners is to really, we'd like to continue to build that distribution type concept and I don't think we would pursue any type of freight type issue that you were talking about.

Chairman Hall: Questions?

Commissioner Schatz: If this got the green light to go ahead, when would you start this?

Dean Conrad: We would start it immediately.

Commissioner Schatz: What's immediately?

Dean Conrad: Within a week of the approval.

Commissioner Schatz: The only other question I have is, having loading docks on the front side bothers me a little bit, okay, and is that a disservice to the day care center and what we have approved on the front side, Fountain Pointe? I don't know.

Ed Meehan: Well, the back side of those building at Fountain Pointe don't have any windows in them, if you go over and look. The one building on the end has some glass, but all the other ones, that is the utilities, the back wall to their building. The adult day care, between the back of their building and this driveway is the open space detention pond, so there is a space, they are not right up next to each other.

Commissioner Schatz: Oh, okay.

Ed Meehan: This still is a large building, this is a six hundred thousand square foot building, you aren't going to hide this, but you can try to tone it down with some of this screening.

Joe Perriginni: I do recall, this is the adult day care, we were able to get that on our plan, and here is the detention pond, as I mentioned, and I know that there is still some of the berm left

along there. I would say it's about half way across, and these detention ponds, they grow pretty quick, I can't say what vegetation is there but this is exactly where we would be filling in, this spot.

Ed Meehan: The building has gone through different tenant occupancies. The Alumni Road side, which was always the back side of the building when it was Torrington is the side where previous site plans for Shuco, PODS, when they were in there, there is no trailer truck parking permitted on that side, because that eventually hopefully if it is opened up to Cedar Street it would be very visible, and if you have been over there recently, it's starting to shape up pretty nicely. New paving, new landscape plantings are starting to get mature, they have painted the building, it looks a lot better than it did five years ago, so over time now it's started to fill out.

Commissioner Pane: There are still loading docks in the back of the building, though.

Ed Meehan: Several loading docks, sort of the angled docks that are cut in.

Commissioner Pane: One space he mentioned there that has from rear to the front and he has access to loading docks in the back, I'm not following why he needs them in the front. I'm really disappointed that they are going to put something in the front like that, truck loading like that. Also, when the skating center came in, years ago, to this Commission, the Newington Skating Center, and then this came in shortly afterwards, there was something on the table where this Commission said that only so much building was going to be allowed and then there was an allocation for the light from both the Skating Center and the Torrington Company here and it seems to be that nothing ever got solved with the light and yet there's been more building, more building, more building and all that traffic, which this Commission didn't want to happen until the light was taken care of over at Alumni is now going out to Cedar. Why has that, there was a plan....

Ed Meehan: Let me give you the background on that, you're right. They came in together, and the Town was part of a facilitator to get the skating center in because the town was given the land and the town conveyed that land to the party that built the skating center. The conditions of approval that were applied by the State Traffic Commission set bench marks at how much of this building could be occupied before they had to construct the light on Willard and Alumni Road, the light that is out there now. The former owners, Newington Business Park could only occupy the existing 600,000 square feet and they only could build on the first lot, which was the Self-Storage facility, they were capped at that. Anything after that they have to provide a way out to Cedar Street and the State Traffic Commission Certificate of Approval said until Cedar Street/Alumni is widened with a traffic signal, they can't open those gates. That's the hooker in this. There was a plan approved as part of the corridor study that the Town participated in to relocate Maple Hill, bring it in back of the subdivision at the end of Maple Hill. The whole plan was set in place through a subdivision and the approval of that plan, and the Department of Transportation went forward and designed it, went to public hearing, at the eleventh hour Town Council said we don't want to go forward with it, there were issues with the neighborhood at Old Farms, so ConnDot pulled the project, and we lost our funding, about, almost six million dollars set aside to re-do that. Until that issue with Cedar Street is opened up, and we can get traffic to come off of Cedar Street into Alumni to service this site, they are going to have to continue to go to Willard, past the high school. I don't think the State Traffic Commission is going to change that requirement, and then the neighborhood was very active at that time, there were several ideas of bringing a road out behind the old Lottery building, through Crest Pontiac, there were all kinds of different ideas that came up but any new square footage that occurs on this site, whether it's a two thousand square foot building, or a four thousand square foot building has to go back to the State Traffic Commission for a Certificate amendment, and the lots on the south side of Alumni Road are still owned by Newington Business Park, lots 1 through 3A and 3B. We believe, we haven't seen it, we got some sort of a letter that Mr. Chris Chulli of Double C Construction has the rights to those

lots in way of materials and managing them. We've gone through about a month and a half of zoning enforcement, this is off the subject, but I'll give you the whole background since you asked, where the lots were clean, the erosion control was put back in, stumps were taken off, some of the damage to the tracking pad was replaced and some of the stuff on Lot #1 that was starting to get out of hand was taken off the site. Lots #2 and 3A and 3B are scrapped down to the old parking lot level and they are going to stay that way. So he is essentially in compliance except that we don't know where he is with DEP and the environmental restrictions.

Commissioner Pane: Are those the lots next to the self storage?

Ed Meehan: Yes, going west towards the skating center. On the north side, the ICS outside storage, bermed up, it's all raw earth, three and a half, four acres of outside storage, that's under construction now and the driveway is finally going to get relocated where it was supposed to be. The driveway going in the back to Harris will now be widened and a standard driveway with the radius to get the trailer trucks in there.

Commissioner Pane: And wasn't it that they were going to share the cost of the light?

Ed Meehan: Between the skating center and.....

Commissioner Pane: Yes.

Ed Meehan: I don't know what the deal was between the two developers was, I.....

Commissioner Pane: That's how I recall it, came into this.....

Ed Meehan: They shared the cost of building Alumni Road.

Commissioner Pane: Yeah, I thought they had an allocation and they were supposed to share the cost of the light.

Ed Meehan: I don't think they did because the Skating Center didn't have access out to Willard unless the gate was open. The Skating Center paid for the section of Alumni Road from Veterans Memorial which is near the football field, up to the gate. Then from the gate out to Willard Newington Business Park paid for that and they paid for the lane widening and the traffic signal.

Commissioner Pane: Thank you.

Chairman Hall: Other questions? Did I hear you say that General Nutrition is going to have seven spaces, seven?

Joe Perriginni: I think the request is four, seven overhead doors and one drive in door, so we have two, three and two, that's seven, and the one drive in door.

Chairman Hall: So does that mean that General Nutrition is going to essentially have it's total distribution from Newington, Connecticut? It sounds like it.

Dean Conrad: That's a possibility.

Chairman Hall: Exactly how many trucks do you expect to have in and out of here on a daily basis?

Joe Perriginni: We really haven't gone through a traffic study.

Chairman Hall: I think we need to know that.

Dean Conrad: A lot of this is market driven, I mean, we are out looking for tenants to fill this building and there are certain requirements that some of these tenants are looking for and one particular market demand that we are getting, or seeing in this type of a building is dock space. It seems to be a big requirement, very important requirement so that we why we are proposing this idea of having more. I don't know exactly whether Nutrition will show up on that, I mean, this is proposed dock space.

Chairman Hall: So in other words, you are building the building with the idea that if we have the dock space the companies will come.

Dean Conrad: That's right. This business is market driven, this site as you know has a long history, this has been vacant for years.

Chairman Hall: Right.

Dean Conrad: There was a time when the roof was just coming down, and we've started to make improvements inside to try to bring it back to life.

Joe Perriginni: Their option to lease is contingent upon approval.....

Chairman Hall: Getting this dock space?

Joe Perriginni: They want to see it approved before they.....

Ed Meehan: Is some of this, is General Nutrition based on the way you demarcated this for parking, are some of these, is this a double dock. The one in the middle?

Joe Perriginni: It's a triple.

Ed Meehan: Okay, then two on either side, okay.

Joe Perriginni: On the architectural plan, General Nutrition is between three main column lines, this would be three doors, three doors, two, two, and one. That's General Nutrition.

Commissioner Pane: How much space would that space be? Square footage?

Joe Perriginni: The entire space?

Dean Conrad: If that particular tenant, if they come into the building, it's roughly 80,000 feet.

Commissioner Pane: Where are those trucks going to be parked, the excess trucks. If they have that many bays, then they have more than seven trucks. So where are the excess trucks going to be parked? There's a lot of unanswered questions here. It would have been nicer to, I don't know, I'm surprised you didn't divide it up so the space could go from front to back. It's kind of chopped up, kind of weird inside.

Joe Perriginni: Well part of this is driven by, there's a lot of utilities that come across this parking lot and we're looking to avoid, there's a lot of water lines, fire protection.....

Dean Conrad: All of the fire protection turn off valves are out in the parking lot.

Joe Perriginni: Sanitary, communications....

Ed Meehan: I think the question is, maybe I can give you some background on that too, the tenant space, why didn't it go from east to west, so on the west side you could have your docks and the back in operations, the front side could be parking and more office use. From what I recall, and it's not Hampshire's doing, it's the prior owner, and it goes back to when the building was actually built. It was chopped up, Huttig took a little piece, then Harris came in took a piece, ICS took a little piece and because of the way that it was leased, and from my understanding from going into the building with the Fire Marshal and the Building Inspector over the years, the mezzanine set up and walls, this building was added on to, so it's like three buildings put together. It's really a maze in there. You can't go from east to west in a clean shot because of the different walls and the columns from what I understand.

Dean Conrad: We've been in the process of demolishing most of that area, it's about 220,000 square feet that we are cleaning up and bringing it back to life, and then, but we have legacy tenants obviously, between Shuco and ICS and obviously there are some of these tenants interested in expanding out, and they have asked for, ICS for example is interested in expanding out, Harris is interested in expanding out, Shuco is interested in expanding, so we are getting squeezed. We might end up with only one new tenant.

Commissioner Pane: Well, if they are going to expand, and they already have space and loading on the east side, why would you need as many loading docks in the front if they are going to expand.

Dean Conrad: You still have to imagine, that is six hundred feet.

Commissioner Pane: I know, I've seen the building, I've been in A.H.Harris, I've been around the building quite a bit. I understand that.

Ed Meehan: Does General Nutrition go from one side to the other?

Dean Conrad: No.

Chairman Hall: No, it stops. Harris is there and then ICS.

Ed Meehan: Okay, so that means that they can't have loading docks on the west side.

Chairman Hall: The other concern that I have is that if that day care does go in, my understanding was that their loading, not loading but their drop off point, with the covered area is on that side of the building, it's on the west side. The vans come in, drop off, so that when they are dropping off, they look across.....

Ed Meehan: Well they have an entrance in the back, but the porte-cochere is in the front on Willard Avenue.

Chairman Hall: It is?

Ed Meehan: Yes, they have two ways of getting in and out.

Chairman Hall: I know that they have the parking in the back.

Ed Meehan: Yes, they have staff parking in the back and on the north side.

Commissioner Kornichuk: The back I think was the kitchen and this area was where they were going to go out for like lunches....

Ed Meehan: They were going to have a picnic area.

Chairman Hall: Other questions on this?

Commissioner Schatz: One question, just so the applicant understands, we love new taxpayers okay, that's a plus, but if you got somebody like FedEx in there, that's like a beehive in the morning.

Chairman Hall: All day really.

Commissioner Schatz: I come by a couple of those places, their like zip, zip, those trucks are out of there, all different sizes. That's what I'm saying, if it is that type of operation, it's going to be a busy spot.

Chairman Hall: But those are panel trucks, these are trailer trucks.

Commissioner Schatz: Pardon me?

Ed Meehan: These are eighteen wheelers

Chairman Hall: These are eighteen wheelers that we are talking about with the loading dock, not just panel trucks going in and out picking up packages and going back out again.

Commissioner Schatz: But we don't know that.

Chairman Hall: Well, loading docks are not for panel trucks.

Commissioner Schatz: But Fed-Ex has trailer trucks too that drop the loads off, and then they are distributed, like a bunch of little bees.

Ed Meehan: The solution to this problem for traffic is to open up the road to Cedar Street. Get the vehicles out to Route 9 and off of Willard Avenue and away from our high school and St. Mary's and the intersection of Cedar and Willard which.....

Chairman Hall: And the residential, there is quite a bit of residential over there as well.

Commissioner Pane: And does it have to be lined up with Alumni or is it just the matter of the traffic light? Could the traffic light alone work? On a temporary basis, until they were lined up?

Ed Meehan: The traffic engineers at ConnDot say that if put just a traffic signal at Alumni and left the one at Maple Hill, the gap in between is to close.

Commissioner Pane: Can't adjust it?

Ed Meehan: That is what they tell us.

Chairman Hall: We went through that whole thing. That was one of the things that we asked as councilors, as to whether or not we could do that as short term, and the stacking was the problem.

Ed Meehan: I suppose with timing, you could try, the thing that the traffic engineers didn't want to have someone staggered in between but you know, I think if you drove around the state you would find things that were pretty close to that arrangement.

Chairman Hall: Elmwood. We cited Elmwood, and they didn't care.

Commissioner Pane: It would work, but I don't think it's ideal, but I think it would work.

Ed Meehan: It creates all new phasing, now you've got phasing for two intersections versus phasing for one intersection and.....

Chairman Hall: And you would need left hand turn lanes and that kind of thing too, especially for trucks.

Ed Meehan: They had it all designed for everything, they had it designed for double lefts and they enough room for everything.

Chairman Hall: Cul-de-sac on Maple Hill, and street behind the houses, they had all of it, but anyway, that's neither here nor there although as a lynchpin it would make this a heck of a lot easier.

Ed Meehan: It would help traffic, it would help this company market. There's what sixteen, twelve acres left over there on the west side opposite the skating center that is marketable.

Dean Conrad: Twenty-one acres.

Ed Meehan: Some of it is wet, they could even have a rail siding in there, some companies have asked where can you get a rail siding, well, here is one place you could get a rail siding.

Chairman Hall: Any other questions for the gentlemen, we don't want to hold them longer than necessary. Thank you for your time.

Dean Conrad: Thank you.

VII. OLD BUSINESS

- A. PETITION 34-08 - 375 East Cedar Street, Healthtrax Fitness & Wellness applicant, Healthtrax International, owner, attention Richard Booth, request for Special Exception, Section 3.2.9 Day Care Use, B-BT Zone District. Public Hearing closed August 13, 2008. Sixty five day decision period ends October 17, 2008.**

Commissioner Kornichuk moved that PETITION 34-08 - 375 East Cedar Street, Healthtrax Fitness & Wellness applicant, Healthtrax International, owner, attention Richard Booth, request for Special Exception, Section 3.2.9 Day Care Use, B-BT Zone District be approved with the following conditions:

1. Building inspections by the Newington Fire Marshal's office and Building Inspector certifying that the day care space complies with appropriate safety codes.
2. The designation of not less than five parking spaces for day care pickup use. These spaces may be available for other facility users but shall be "posted for day care parking only between 5:00 p.m. to 6:30 p.m."

3. If the day care after school program is not operational within six (6) months (March 19, 2009) this Special Exception approval shall lapse. It is the responsibility of the applicant to inform the Town Planner of the program's status. This six month start up period may be extended upon the submission of a written request to the Commission.

The motion was seconded by Commissioner Fox.

Commissioner Camerota: On item 2, why just the evening, oh, because they come by bus during the day, right? Okay.

Chairman Hall: Others? Of course this is just the prelude, they would have a lot of other things that they would have to do as far as traffic, busing from the schools, they would have to coordinate with the school board, all of that, but none of that is our concern. Our concern is the use of the building and that is what we would be approving this evening, not all the residuals. Any other questions?

The vote was unanimously in favor of the motion, with seven voting YES.

B. PETITION 35-08 – Newington Town Plan and Zoning Commission applicant, proposed Amendments to Sections 6.3 Flood Plain Standard, Zoning Regulations and Section 3.2 Suitability of Land Subdivision Regulations to address requirements of the National Flood Insurance Program, new Flood Insurance Rate Map effective September 26, 2008.

Commissioner Schatz moved that Petition 35-08 - Newington Town Plan and Zoning Commission applicant, proposed Amendments to Sections 6.3 Flood Plain Standard, Zoning Regulations and Section 3.2 Suitability of Land Subdivision Regulations to address requirements of the National Flood Insurance Program, new Flood Insurance Rate Map effective September 26, 2008 be approved for adoption the Commission finding:

1. The amendments are consistent with and further the public policies of the National Flood Insurance Program to protect lives and reduce property damage.
2. The effective date of these amendments shall be September 20, 2008.

The motion was seconded by Commissioner Kornichuk.

Chairman Hall: Hopefully everybody has had a chance to review them, this is national. They will be in effect as of September 20th, and there really is no reason for us not approve them. Ed, do you have anything else to add?

Ed Meehan: Nope, these are basically technical amendments to keep the town in compliance with their eligibility with flood insurance.

The vote was unanimously in favor of the motion, with seven voting YES.

C. PETITION 37-08 – 3066 Berlin Turnpike, Sphinx Temple AA ONMS owner, Samuel A. Frink, Potentate, Sphinx Shriners applicant, Attention Gary Lee Harris, 85 Bradley Avenue, Meriden, CT 06451, request for Special Exception Section 3.2.8 Charitable event “Shriners Haunted House”, PD Zone District.

Commissioner Pane moved that PETITION 37-08 – 3066 Berlin Turnpike, Sphinx Temple AA ONMS owner, Samuel A. Frink, Potentate, Sphinx Shriners applicant, Attention Gary Lee Harris, 85 Bradley Avenue, Meriden, CT 06451, request for Special Exception Section 3.2.8 Charitable event “Shriners Haunted House”, PD Zone District be postponed to September 24, 2008.

The motion was seconded by Commissioner Ganley.

Chairman Hall: Discussion, Ed?

Ed Meehan: A couple of things so the Commission knows what has gone on since the last meeting, I see the applicant is in the audience.

Gary Harris: Yes, Mr. Frink was going to be here, he had a heart attack. I do have a letter from Sam in regards to, where the monies are going, and I do have the insurance.

Ed Meehan: Thank you. Those are two things on the list. The other thing we talked about, and I don't know if you made any progress on this is the volunteer status, you were trying to get Key Club guys organized.

Gary Harris: Let me address the letter from Mr. Frink, everybody here. This is from Sam, a revised letter to show where the funds are going to go, to keep the Sphinx Temple running, the availability to raise the monies for the hospitals that we run. This, all of the Commissioners, this is the insurance that I secured yesterday, it cost me a considerable amount of money, \$5,000.00 to get this. This is one for the Town of Newington, this one is for the Shriners, two separate identities here. I did get a hold of the Key Club, they told me they would have at least eight to ten students a night with no problem. They would be more than welcome to have more running around. I also spoke to John Zimentis, Sgt. John Zimentis of the Newington Police last week, and he said there would be no problem with the traffic flow and we would not need an officer to direct the traffic.

Chairman Hall: Would not need?

Gary Harris: No, we do not need, he said that the parking lot there, we would only need security inside to park the vehicles but on the Berlin Turnpike, he said that would not be necessary. Let's see, what else do I have to address here....

Ed Meehan: You have a letter on file with me from La-Z-Boy....

Gary Harris: Yes.

Ed Meehan: Granting you permission to park.

Gary Harris: Yes, did I give you a copy?

Ed Meehan: Yes you gave me that, it's in the file. I don't know if you talked to anybody at Grantmoor if there is any spill over parking?

Gary Harris: Yeah, I did speak to the people who were there, they said no problem, they have no problem with us sharing any parking there for this event.

Ed Meehan: I just looked at the letter quickly that is going around the table, it doesn't really say that the funds are going to be used for the Shriners Hospital.

Commissioner Fox: Actually, correct me if I'm wrong, it sounds like it is going to be used for the facility.

Chairman Hall: Right, exactly.

Commissioner Fox: Not for the hospital, does this mean that they are tax exempt or.....

Gary Harris: We are tax exempt with the federal government.

Chairman Hall: I'm not sure that letter says what we thought it was going to, or even what Sam thought it was going to.

Ed Meehan: See, under the zoning regulations, the section of the zoning regulations state that these types of events can be used for civic and charitable purposes. So the proceeds would be used, in this case, the Shriner's organization for the burn hospitals. That doesn't quite say that here, it says, the upkeep of our facility.

Gary Harris: Well, we're, this year has been very bad to keep up the Shrine so this money will go towards keeping the Shrine open. We just put a new roof on which cost us about \$92,000.

Ed Meehan: But that is different than like the Lions or the Kiwanis and turning the money back to the high school Key Club or Little League.

Commissioner Pane: Well, keeping them open is, so they can continue to raise money, I mean they do, whatever they raise they do donate to all of the burn facilities, but if they can't keep the place going, then, I mean it's all, it's keeping the place going and I'm sure some of it is going to go to the burn facilities.

Commissioner Fox: The only difference that makes, I think is in the annual report, to get back to that again, the 990, I mean if they are using it for maintenance which it looks as if they will be, it's a different class, so that is why it is not tax deductible. In other words that is why the Shriners, whatever they get from this event, if they were to be given it to the burn hospital, let's say, that's a donation from the Shriners.

Ed Meehan: A pass through.

Commissioner Fox: They aren't using this to donate it somewhere. They are using this to maintain their facility.

Ed Meehan: To buy oil, or fix the roof, or whatever.

Gary Harris: We're fighting a battle to keep this Sphinx Temple open in Newington, so you know, if we can't keep that open, we can't do our parades, we can't have all of our units, and put the monies that we get into running, helping the rest of the United States Shriners to keep these twenty-two hospitals open which costs two hundred million dollars a week, so I mean, this money is going to a good cause.

Commissioner Ganley: Our dilemma is that we are a regulatory agency. That's what we are. The economics while maybe sort of germane to your organization can't modify what it is that we must consider in granting you the application, so you are going to have to clarify, for purposes of our acting under the regulation, precisely what it is you are going to do with the money, and I think you raised the question very well about where the money is going to go, and by the way, I was under the impression that this was going "out of house" so to speak, you were going to raise it, in house, but it was going to go out of house to the burn centers and a few other things. That was my initial impression. Quite frankly, you put us into, at least you put me into a little bit of a dilemma as to how to apply the regulations to something that is not in fact going to be a fund raising benefit if you will, for lack of a better term. I would suggest that you clear that up somehow.

Ed Meehan: Let me read the section that this comes under, and this could help the applicant as well as the Commission when you think about this, the uses for charitable purposes or for the direct support of said local charitable, civic or religious group, provided that such use shall be limited by the restrictions and/or the conditions that the Commission may impose.

Commissioner Ganley: I don't believe it means that we would add into the requirements what charity the money would go for, I think we would be, I think we have to apply the regulation provided that we are assured that it is in fact going to a charity. That's how I would interpret what you just read to me.

Ed Meehan: It says, for charitable purposes.

Commissioner Ganley: Yes, right, but not which one, we can't regulate which one.

Commissioner Fox: From what you read Ed, the funds should be in direct support of a charitable organization. This is in direct support of a charitable organization. The Shriners are a charitable organization. This fund raiser is going to directly support that organization, whether it's used for the Shriners, which would be a charitable thing, or if it's used for maintenance. If this is the only way that they can maintain their facility....

Ed Meehan: You guys interpret your regulations, you have to feel comfortable with it.

Chairman Hall: When you were here the last time, the haunted house was out for repair, how is that going.

Gary Harris: On the back of my pickup, out in the parking lot. It's all done, waiting, it's on the back of my pickup truck and waiting, it weighs 700 pounds, we put it up today in New Haven where it was sewn and it took eight of us to lift it on the truck and that is where it is right now, waiting to go up, hopefully.

By the way, I told you last time, the Shrine, the Sphinx Temple did not give me a dime for this. This has come out of Gary Harris' pocket because I have been doing this for twelve to fifteen years as my hobby. Halloween has been my hobby, so this sort of fit in as me being a Shriner. I'm doing this on my own. The Sphinx Temple has not given me a dime for this. I just put out \$5,000 yesterday for insurance, so I'm just letting you folks know that none of the people at the Temple, and nobody from the Temple has cut me a single dime. Everything is coming out of my pocket to run this, to give back to the Temple, this is my gift to them. No money has been coming from the Temple to do any of this. All the props that I have had over the years, I spent myself, collecting.

Commissioner Pane: Madam Chairman, are we under a time constraint, or is the next meeting, if it got approved the next meeting would that.....

Gary Harris: I wouldn't be able to do it.

Commissioner Pane: You wouldn't be able to do it.

Gary Harris: I would have to start setting up tomorrow, I would have to get the fence man out there tomorrow, he's going to put a chain link fence around to protect the unit, with a gate, it's going to take me at least two and a half weeks to fill the inside of it. I have some high tech lighting coming from California, with a high tech computer called an X-Factor to control the lights and the sound, so I mean, I spent a lot of money on this and the time frame right now is, if I can't do it, I'm not here to beg anybody but I need two and a half weeks, which is twenty-one days. I have twenty days to October 1st to open. I've had advertising put out, banners printed, Channel 3, Channel 30, Channel 8, have been informed of it, I did all this myself. Nobody has helped me from the Temple. I'm the only person who has done all of this, so with your grace, if we can get this going I mean, all the electrical, I already have my electrician ready to come in there, to pull the permit, Fire Marshal, as soon as I can get this up, he would come, and the lighting is done, the egress, the doors, everything else would be by code of course. Strict code, above code, actually. I'm very, very particular on safety. I was involved with OSHA for eighteen years, and I don't want anybody hurt. That is why I spent the extra money, five grand, to get this one million dollar coverage for the Town of Newington and the Shriners. I wanted to make sure that nobody would have any problems down the line.

Chairman Hall: Okay, thank you.

Gary Harris: Thank you. Thanks for your cooperation.

Ed Meehan: I think the issue is how the members feel about the letter first of all, which we have all seen for the first time, and if you are comfortable with it, you can move on from there. The insurance question was answered tonight, the question with the electrical permit and the Fire Marshal, that's consistent with the code in town, so the Fire Marshal and the Building Inspector will check this inflatable structure, once it's up, and get a good look at it, so that squares with that. Letter from La-Z-Boy is in the file, that was brought in last week. The issue of whether or not to have police on the scene, we may have to wait until the event gets going to see what evolves there. If it turns out to be something that if you require police, then that has to happen, that's all.

Commissioner Ganley: You have to get that up front.

Ed Meehan: Well, you have to arrange.....

Commissioner Ganley: You have to have a letter here saying, yes, it's okay.

Ed Meehan: You have to arrange to have your officer.....

Commissioner Ganley: But I'm saying you have to get a letter saying, from the Police Chief that says, we don't need somebody. You have to get that in.

Ed Meehan: I don't know how you can say that without knowing what the turnout is going to be. You could have.....

Commissioner Pane: Don't anticipate it, but if it becomes a problem, then they are going to have to, that could be part of the condition.

Ed Meehan: You could have a really slow first couple of weeks and then all of a sudden, word gets around, Channel 3 shows up, and boom.

Commissioner Fox: I wanted to comment on the Police Department issue, and I think you are right, it could snowball and if that Sergeant told you it wasn't necessary I think possibly you should go back to him and say, I will need some people on duty.

Gary Harris: I agree, I have that in my notes.

Commissioner Fox: Because they have to arrange for somebody to do the overtime, somebody to do the extra work.

Gary Harris: I'm willing to pay whatever they want, and if we need traffic, I would get it right away, that would be part of the stipulation.

Commissioner Fox: So I think that should be one of the conditions.

Gary Harris: I agree one hundred percent.

Commissioner Fox: The other thing is about the facility, we were under the impression that it was going to be actually used, directly, for the Shriners Hospitals and that may not have been what Gary intended or maybe that particular use was what Gary thought it was going to be, and then Mr. Frink said, now we are going to have to use it to upgrade our facility, otherwise our roof is going to cave in, so, you know, it's kind of touchy, but I do think we are well within our rights, if it's for direct support of the facility to allow that, because that section states that whatever conditions we want to or not want to put on it.

Chairman Hall: Right, that whole section before the first semi-colon pretty much tells you that you can....

Commissioner Fox: Right, the only problem that I have right now is the police protection, otherwise I would vote yes for this.

Ed Meehan: Shouldn't that say therefore (inaudible) are tax deductive, not, not tax deductive.

Chairman Hall: Not if it's used for the facility maintenance it wouldn't be.

Commissioner Fox: If it's used for the maintenance of the facility, I mean, it's a tax exempt organization, but if they take the funds in, and they use it for the facility rather than for charitable use, when they file their annual income tax, they are going to have to pay taxes on that.

Chairman Hall: That would be considered income.

Commissioner Fox: Yeah, that's considered, that's restricted income.

Chairman Hall: All right, what is your comfort level on this?

Commissioner Kornichuk: Well, I personally think that they are a charitable organization so I mean, I think they are within the parameters of that Section 3.2.8.

Commissioner Schatz: I'm uncomfortable with the letter. I don't want to put shingles on a roof, not when it was stated what it would be used for in the first place which was very acceptable, and granted, we are under a time frame, but that is not our fault.

Commissioner Pane: Under 3.2.8, if, I interpret it that it certainly is for the support of a local charitable group, so I think it's okay in our regulations, I don't think that, under these conditions

that it is the most ideal thing, and it's a little uncomfortable for a few of the Commissioners, I can understand that, but with untimely events with Sam and the time constraints that he is on, and knowing all the good things that this Shriners has done in the past, I would like to see it go through.

Chairman Hall: Okay, but remember we have to separate the Shriners per se from this event, because this event really is Mr. Harris' event. The Shriners will benefit and that is a good thing, so it is, we don't have the backing of the Shriners, per se.

Commissioner Pane: I understand that.

Chairman Hall: In other words, they are not coming before us and saying, we as a group of people are going to be helping out with this, we are going to be doing this, it really is Mr. Harris. The Shriners would benefit, I agree on that score.

Commissioner Fox: So what you are saying is that Gary is a commercial entity doing some fund raising for a charitable organization.

Chairman Hall: I don't know that I would classify him as commercial, but he is an entity that is....

Commissioner Fox: So, I don't see any difference there, I mean, in my case, I'm a member of the VFW, if I wanted to say well, let's have a picnic, I'm going to buy all the food, and cook everything, because we need a new roof, not because I want to support a particular veteran who is in trouble, which is what we do mostly. I don't see anything wrong with that. I can understand this conflict that Bob is feeling, and maybe Tom that at first you were under the impression that it was going to be used to help the Shriners Hospital. Now that I think back, and I would have to re-read the minutes again, and we don't have time to do that, really, in essence you were saying the Shrine, the Sphinx Temple needs money and by allowing these fund to be used to repair the facility it allows more funds to be used for the Shriners. They don't have to take any money out of their, any ten or twenty thousand dollars to fix the roof out of there, and so, like I said, I just want to make sure that he gets the necessary police protection, otherwise I'm very comfortable with it right now and I would vote for it.

Commissioner Ganley: Well, I'm uncomfortable with it, but I'm going to vote for it, but I don't like this thing was kind of gerrymandered around, although somewhat persuasive, somewhat, I'm still uncomfortable, but I'll vote for the thing.

Commissioner Camerota: I would be inclined to vote for it, I would prefer the letter be a little bit clearer, but I still think, I agree with Mike, that you know, it's a pass through, if the Sphinx is allowed to continue operating it will benefit the Shriners Hospital.

Chairman Hall: Does the approval of this put us on any kind of liability hook if something goes wrong?

Ed Meehan: Yes. That's why you want the insurance. You are a party to it once you approve it and you attach whatever conditions that you feel are reasonable and protect the town as best we can, such as no public use until the Fire Marshal and the Building Inspector sign off; until you have the electrical inspected as far as getting your certified electrician out there; and as we discussed as determined necessary the applicant provide and retain police traffic control. Put all those safeguards into motion and the other thing you are doing with this is most charitable events are limited to ten days. It doesn't say you can't run a charitable event for a whole year, but most of the time it's ten days. That was discussed at the very first public hearing, and the applicant, I believe he's giving the impression that because of the type of event he could go for the full month,

so you're making that consideration, or allowance for this operation. You know, I think any motion that you put on the table has to have those caveats, that you have to have police protection if determined necessary, you've got to have Fire Marshal and Building Inspector approval before occupancy is permitted, and we just want to check the site. Tonight you mentioned the chain link fence to protect the building, that's a good idea, I hadn't heard that before. The part of the site where this is going if you have been down to look at it, is up fairly close to the building and it's the left over, I'll call it the left over part of the parking lot that was not improved when La-Z-Boy went in. So it's a good place, again, I'm not speaking for the applicant but it's the place you should probably put this structure away from the parking area because between where this is going to go, and La-Z-Boy parking, you have an island, you know, a raised island and there may be need for some lighting on the building. If people want to park on the Deming Road side and walk through, I'm not quite sure of the situation there, but the lighting in the La-Z-Boy parking lot is excellent, it's all brand new. I think you have to be careful, it's like a moving, it's like blowing this thing up, once it gets up, then the code officials can really get a handle on it, see what they have to look at.

Commissioner Schatz: The problem that I have with it, number one, is that the insurance, is it the Shriners Insurance?

Ed Meehan: Well, the insured is Gary Harris/Shriner, 85 Bradley, Meriden, Connecticut. Then the certificate holder, one, the additional insured is Newington, and it really should say Town of Newington, it says Newington, 131 Cedar Street, that's us, that's you, that's okay, and the other additional insured is the Sphinx Shriner, 3066 Berlin Turnpike.

Commissioner Schatz: I wouldn't have a problem with this if the Shriners came in and said, hey, it's our, Gary's helping us, he's going to help us, he's going to do this for us, and we're doing it, the same as some of the other organizations do, you know, we don't have a problem with that. There's just a lot of little pieces of this that, I understand they do a lot of good, that's not the point here, the point is that basically, are those binders upstanding, are they okay, number one, number two, if the letter said, not for this facility, the Shriners are saying to go to put shingles on the roof, which you are going to pay taxes on, so that is going to be a liability for them. Then, is it a liability for Gary if he takes in ten dollars and turns ten dollars over. I don't know how that works.

Commissioner Fox: I don't know if that is our concern. We don't have to worry about that.

Commissioner Ganley: Would it be helpful to us if on the 24th, a rep from the Shriners itself came in and explained this whole arrangement? Tell us exactly what it is, the precise relationship, precisely who will do what and under what conditions and more specifically, where will this money go? That might be very helpful to us. We've got to the 24th, certainly somebody can be rounded up and brought in by then. Some officer.

Commissioner Pane: The problem is I believe that the applicant said that he needs to get started on this tomorrow, basically.

Gary Harris: I don't mean to be rude, but Sam was going to be here tonight, but he had a heart attack, he had a shunt put in, he was going to talk to all you folks and let you know that I'm going this for them, and since I'm a Shriner, I'm a Funster, I'm one of the clowns. I'm on the clown unit by the way, we have what we call a sneaker fund. Some of this money is going to the sneaker fund which directly goes to run the hospitals. We have three thousand dollars in there that we raised, that the Funsters raised.

Commissioner Pane: You're having, other Shriners are helping you?

Gary Harris: Yes sir, there's going to be twenty or thirty Shriners that are going to help me. They all can't be here of course. This is an experiment this year for me, I understand that some people have some questions, and you know, everybody is human and I'm just trying to do a good thing here.

Chairman Hall: Right, we understand that. We really do, it's just that we have some concerns we have to cover too.

Commissioner Pane: Madam Chairman, I think if we have the requirements and the conditions that our Town Planner spoke about, which is the traffic, making sure of the lighting, making sure that nobody went through this event unless it passes our Building Inspector and our Fire Marshal, I think we will have all our bases covered. He has given us our insurance and everything and I know that this is not the ideal, and there are some unanswered questions, I know it's not ideal, but out of respect for Sam and the Shriners I think we should move this forward. Thank you, Madam Chairman.

Chairman Hall: We have a motion and a second on the table to postpone. That's the first thing that we do have to vote on, and then when we have taken that vote, if you want to do something beyond that, we can. Unless somebody wants to amend this.

Commissioner Fox: That is the question that I had, if, as you say, this is a motion to postpone. If we're all.....

Commissioner Pane: I made the motion, I'd like to withdraw it, if it's acceptable to the Commission, if the seconder would.....

Commissioner Ganley: I'll withdraw the second, you can withdraw the motion.

Commissioner Pane: I'll withdraw the motion.

Commissioner Fox: Now we can write another motion.

Commissioner Pane: Why don't we move on to something else while our Town Planner is.....

Commissioner Kornichuk: Well, in the first place, do you feel comfortable writing something....

Ed Meehan: I have something that I was scratching out while you people have been talking, and you know, it's a start. Again, it's going to have to be, in the future, it's going to be beyond your control, once you approve this.

Commissioner Pane: Right, it could get denied because the Building Inspector, or the Fire Marshal says that, hey, this thing isn't going to work.

Ed Meehan: Exactly.

Commissioner Pane: So I think all the Commissioners understand that. That is for our safety, the town's safety, and for the public's safety, so I think that everybody understands that even if we approve this, it's not a done deal.

Ed Meehan: There is a punch list from the Fire Marshal, the Deputy Fire Marshal that has to have exit lighting, emergency doors, it's got a floor plan with travel ways, the Building Inspector has his list, the applicant has mentioned the need for electrical, E-1 to get it wired, so there are things that once you have set the land use approval in place, then the real nuts and bolts come

into play. When he gets it up on the site, is it secured for wind load, all that stuff has to be looked at.

Chairman Hall: Right and all that stuff is beyond our control. If we take a stand tonight, it is to approve the concept essentially, and then the concept has to be put into effect and that is where all these other agencies come in to make the final approval before the public goes through. So we have withdrawn, we have seconded the withdrawal, and we are going to have Ed draw up something else.

Commissioner Camerota: Madam Chairman, before we go on, I just have one comment on the traffic control. My concern is actually more with Deming Road than the Berlin Turnpike, it seems like the police focus on the Berlin Turnpike, but if people are going to end up parking on the Deming Road side, and then even along Deming Road, I think that is more of a safety concern.

Chairman Hall: Now when they did the car show, they had all the signs, No Parking, No Parking, I'm assuming that they would have to do that again.

Commissioner Camerota: Is that the Police Department that does that?

Commissioner Ganley: Yes.

Commissioner Camerota: Okay.

Chairman Hall: And by the way, the car show, did net \$1100.00, even though it didn't seem as if it was, they didn't even have the cars down on the grass because it was so wet, remember we were worried about that, it was all up on the pavement, and they still cleared \$1100.00. So that was good news. Let's move onto the next one, 39-08 and come back.

D. PETITION 39-08 – 2414 Berlin Turnpike, Greek Village, LLC, dba Cavos Tavern & Pizzeria, attention Malgorzata Karas-Golka, 37 Johnson Street, Newington, CT 06111, J.C.J. Associates, LLC owner request for Special Exception Amendment Section 3.15.3 to convert outside dining area to enclosed year round restaurant use, B-BT Zone District.

Commissioner Fox moved that PETITION 39-08 – 2414 Berlin Turnpike, Greek Village, LLC, dba Cavos Tavern & Pizzeria, attention Malgorzata Karas-Golka, 37 Johnson Street, Newington, CT 06111, J.C.J. Associates, LLC owner request for Special Exception Amendment Section 3.15.3 to convert outside dining area to enclosed year round restaurant use, B-BT Zone District be approved based on the plan submitted at Public Hearing August 27, 2008 showing the new year round enclosed seating area 14' x 24' (336 sq. ft.) attached to the front of the building.

The amended Special Exception replaces the original Special Exception Petition 36-07 approved August 22, 2007, except the following conditions shall remain unchanged:

1. Hours of operation for restaurant service to the public shall be 11 p.m. Sunday to Thursday and 12 a.m. Friday to Saturday.
2. This Special Exception approval is limited to the applicant Filip Milios, use of this space by a different operator shall require a new Special Exception approval from the Commission.

The motion was seconded by Commissioner Kornichuk.

Chairman Hall: Discussion, and Ed I will call on you in a minute. Anyone else have any questions on this. It's pretty straight forward, the only reason we had her come back the second night was because of the sign, unfortunately. It seems pretty cut and dried. Anyone have any questions, concerns at this point? Ed, do you have any concerns?

Ed Meehan: No, I just wanted to be sure that we cancelled the prior Special Exception which didn't let them do it, so we reflected in the record that they can do it. It's still tied back to the original applicant.

The vote was unanimously in favor of the motion, with seven voting YES.

Petition 37-08
3066 Berlin Turnpike
Sphinx Temple
"Shriners Haunted House"

Commissioner Ganley moved that the Shinx Shriners property Haunted House scheduled for operation October 1st to October 30, 2008 at 3066 Berlin Turnpike be approved with the requirements that prior to opening to the public the use of the Haunted House shall be certified by the Fire Marshal and the Building Inspector as safe for occupancy.

It is a condition of this approval that if determined necessary by the Newington Police Department the applicant shall be responsible for hiring police department traffic control for this event if needed.

The operation of this event for a period of longer than ten days is approved.

The motion was seconded by Commissioner Kornichuk.

Chairman Hall: Discussion? We have discussed it, and I think Ed had covered all of the bases, building, enforcement, police, that's what we need to do, so it would be our blessing on this to move it forward to the next step. That is all we are doing, moving it forward to the next step.

The vote was unanimously in favor of the motion, with seven voting YES.

Gary Harris: Thank you very much, thank you. I'll tell you, this is only the start. I realize that all you folks are concerned, and we will make sure that it is a good show. Thank you very much. The children will benefit from keeping this temple open.

VIII. PETITIONS FOR SCHEDULING (TPZ September 24, 2008 and Tuesday, October 7, 2008.

Ed Meehan: You only have one right now for the next meeting, it's 105 Pane Road, it's a request for auto dealer's special permit, auto repairer's special permit. 105 Pane Road.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

Commissioner Kornichuk: I only have one for Ed, seeing that everybody kept bringing up Fountain Pointe, as far as that fountain, where was that fountain supposed to be?

Chairman Hall: At the entrance.

Commissioner Kornichuk: It's not supposed to be where it is, is it?

Ed Meehan: It was supposed to be where the sign is, it was part of the sign wall originally on the sketch, and because of the issues with the utilities in that corner, and the existing sign for Newington Business Park, they moved everything back in closer to Dutch Point. They got that wall approved, Rotundo, I believe brought it up that night, when he got the wall.

Commissioner Kornichuk: Because I don't think that fountain has the appeal that it would have had, if it was where it was intended to be when we originally approved it.

Ed Meehan: The architectural renderings had it right on, the curb sign, right on the corner and there is a traffic utility box in there, there's other utilities, they couldn't put it there.

Commissioner Kornichuk: Because I don't remember ever voting on it or whatever...

Ed Meehan: Well, it wasn't exactly the building approval, it came up during the site plan and I think it's actually part of, under the operation of Dutch Point. They really control it.

Chairman Hall: Any other remarks by Commissioners? I want to thank you for tonight, I think that that really proves the fact that we don't just take things and run with them, we try to think, we try to serve the public as best we can, I wish this petition a great deal of luck. It will be very interesting to see how it comes out in the end, but I think we did our job in the sense that we're trying to do the best for the public, we are trying to make things as easy as possible for them, at the same time, trying to protect ourselves because in the long run, it all will come back to sit at this table, if it does go wrong. So, hopefully we did the right thing.

XI. STAFF REPORT

Ed Meehan: Just quickly, I have some correspondence from the Town Attorney I want to pass, an opinion just came to Mr. Ancona today from, no, it's not an opinion, providing advice regarding accessory apartments. It's not a formal opinion from Robinson and Cole. Correspondence was exchanged between Ben Ancona and Robinson and Cole. It's a long letter, it's somewhat convoluted with various opinions from other court cases being offered and comparisons. I talked with Ben about it, this afternoon, and he said, what do you make of this, and really, it's not clear where the attorney is coming from on this, except till you get to the very last page, and I think what he is saying is that the best way to handle an accessory apartment use would be not to restrict the age and not to restrict the occupancy, but again, go back to the principle where you regulate the use, not the users and if you ever want to move forward with accessory apartments you do some things in the design standards and the control of them that moves in the direction that you want to head, such as architectural exterior, internal entrances, outside parking requirements, size of the accessory, those physical things that you can control and not get into who is inside and try to enforce that. It's sort of a toss up. What I would suggest is, that you read this, and maybe read it two or three times, to see if you can find anything in there.....

Commissioner Fox: That kind of letter!

Ed Meehan: I didn't see anything new that you don't know already. You have already done half the things on the last page. You already have it in your regulations.

Chairman Hall: That's what I was going to say. When you read this last page, it's almost exactly what we had in our regulations before we kicked it out.

Ed Meehan: The one thing that I see is the internal access. I know that was discussed, I think Commissioner Ganley brought that up. You know, limit it to the side, rear, or internal of the building. Some of the towns that we looked at have references to that.

Commissioner Schatz: Yeah, Berlin.

Ed Meehan: If you want to bring it back, we could re-draft it. Whatever you want to do.

Commissioner Schatz: When we looked at all of those different options, and had to favor, say one, I favored basically the Berlin one.

Ed Meehan: The other thing that I want to let you know, I'll pass this out to anybody who wants it, there has been an injunction for a restraining order placed by the plaintiffs on Three Angels Church. This is also, this comes from the Town Attorney's office, although he is not necessarily going to represent the Commission in this matter, he is basically passing the papers through. He did make an appearance, I talked with Ben this afternoon, he did go and make an appearance, and Three Angels has an attorney, they have retained an attorney who will also be like defending this restraining order.

I have received, yesterday I received the hold harmless agreement signed for 62 Rockledge, I've been waiting for that and will try to get on the site in the next couple of days with some landscapers to take a look at it and tell me how they will go at the job. I mean, it's not where I need a quote, we have \$6500, we will spend all of it and do....

Chairman Hall: \$2500.

Ed Meehan: Right, \$2500, I wish we had \$6500. I talked to a couple of guys, said too small

Commissioner Pane: Contractors said it was too small?

Ed Meehan: Yeah, they said, 160 feet of planting evergreens, junipers and I've got \$2500 and I don't want you driving across the yard with any equipment. They have to park in the driveway and wheel a wheelbarrow across the front yard with junipers and put them in the dirt. It's not hard.

Commissioner Pane: It's all small stuff.

Ed Meehan: My efforts are to get that job done.

Commissioner Pane: You have another contractor you are looking at?

Ed Meehan: Yeah, if he doesn't pan out, I'll ask around for some more names.

Commissioner Pane: Give me a call, if you need a name. I have a couple of different guys who would probably jump on it.

Chairman Hall: Any other remarks by Commissioners?

Commissioner Schatz: Excuse me, a question that just came to mind again, when, and this bothers me to a point, when you, when the town or the state takes a chunk of property to widen the road say, and that depreciates the house that is for sale over there, do those people have recourse to recouping money because now the lawn that was twenty-five feet is only six feet.

Chairman Hall: The state paid all those people up and down Cedar Street.

Ed Meehan: They will give you a value and you can appeal it.

Commissioner Schatz: But if that property was, as it is now, an empty lot, then they would have to come here for an exception....

Ed Meehan: Well, they have to be careful not to create a non-conforming....

Commissioner Schatz: They would have to come for an exception, though because the lot would be undersized.

Ed Meehan: They don't like to do that, to create a variance situation. Let's say they move the road back and you need thirty-five foot front yard setback and because the road is going back twenty-five feet, you violate the setback, they have to make provisions because that house then becomes, needs a variance.

Commissioner Schatz: And why this came to mind, not only over there, that bothered me, but then if the State takes it and they want more land, they just keep going, right?

Ed Meehan: They have to pay fair market value.

Commissioner Schatz: But that's my constitutional rights as our town attorney told us one time, right?

Ed Meehan: You don't have to sell it to them, but then they are forced to condemn it and pay you fair market value.

Chairman Hall: One of those houses on Cedar Street was taken three times. The one with the big stone wall which is now a concrete wall with stone corners. This is the third time.

Commissioner Schatz: I was just thinking about the red house on Maple Hill Avenue, just went up with a sign on it, across the street, and you've got Frink with a big warehouse in the back of it, that's going to take away from the value of that house, that's what I'm looking at.

Ed Meehan: It might, I don't know.

Chairman Hall: Time will tell.

Commissioner Schatz: I'm not complaining because that will open a lot of doors for me.

Chairman Hall: Any other comments?

XII. ADJOURNMENT

Commissioner Kornichuk moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 9:27 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary